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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7 KEVIN FERNANDEZ,

8 Plaintiff,

9 v.

10 ISIDRO BACA et al.,

11 Defendants.  
12 \_\_\_\_\_

3:16-cv-00350-RCJ-WGC

**ORDER**

13 **I. DISCUSSION**

14 On April 18, 2017, the Court denied Plaintiff's application to proceed *in forma pauperis*  
15 because the Court found that Plaintiff had three strikes pursuant to 28 U.S.C. § 1915(g). (ECF  
16 No. 3 at 1-2). The Court directed Plaintiff to pay the full filing fee within thirty (30) days of that  
17 order and warned that failure to comply would result in dismissal without prejudice. (*Id.* at 2).

18 In response, Plaintiff has filed a motion to extend time to pay the filing fee. (ECF No.  
19 4 at 1). Plaintiff intends to file a motion for reconsideration because the cases cited to by the  
20 district court are not strikes. (*Id.*) Specifically, Plaintiff seeks an enlargement of time for thirty  
21 (30) days past the resolution of his motion for reconsideration. (*Id.*) The Court grants  
22 Plaintiff's motion for an extension of time in part. Plaintiff shall either pay the full filing fee for  
23 this case or file his motion for reconsideration on or before Friday, June 2, 2017.

24 The Court further grants Plaintiff's motion for a copy of the order that the district court  
25 held was a strike in case 3:13-cv-412-MMD-VPC. (ECF No. 5).

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that the motion for extension of time  
28 (ECF No. 4) is granted in part. On or before Friday, June 2, 2017, Plaintiff shall either: (1) pay  
the full \$400 filing fee for a civil action, or (2) file a motion for reconsideration. If Plaintiff files

1 a motion for reconsideration, the Court shall issue a decision on the motion and identify any  
2 further deadlines regarding the filing fee.

3 IT IS FURTHER ORDERED that if Plaintiff fails to timely comply with this order, the  
4 Court shall dismiss this case without prejudice.

5 IT IS FURTHER ORDERED that the motion for a copy of an order (ECF No. 5) is  
6 granted. The Clerk of the Court shall send Plaintiff a courtesy copy of ECF No. 3 in  
7 *Fernandez v. Bannister*, 3:13-cv-00412-MMD-VPC.

8 DATED: May 1, 2017.

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12 United States Magistrate Judge